

REMARKS

Please reconsider this application in view of the above amendments and the following remarks.

- Claims 1-8, 20, 21, 29-31, and 33-34 are pending.
- Claims 1-8, 20, 21, 29-31, and 33-34 are rejected.
- Claims 9-19, 23-28, and 32 are withdrawn.

The examiner has rejected claims 1-8, 20, 21, 22, 29, 30, 31, 33, and 34 under 35 USC §103(a) as being unpatentable over Berg et al., U. S. Patent No. 5,464,650, D1 in view of De Scheerder, U. S. Patent No. 6,572,651, D2.

The Examiner has combined D1 and D2. Applicant specifically traverses the combination because one of ordinary skill in the art at the time of the instant invention would not have a reasonable expectation of success in combining these two references. D1 is directed at conventional polymer deposition methodology. Conversely, D2 is directed at plasma deposition of diamond-silica structures. Also, D2 fails to teach the details of its plasma deposition. One of ordinary skill in the art, presented with D1, could not reasonably expect successful incorporation of the methodology practiced by D2 especially in view of no teaching in D2 of how one would vary the composition of the tie layer disclosed in column 2, line 47-66. There is nothing contained in D1 or D2 that would allow one of ordinary skill in the art to reasonably conclude that the plasma deposition of D2 could be successfully used in D1. Indeed, the Examiner has not pointed to any art knowledge that would show this to be the case. Therefore, the Examiner has not made out prima facie obviousness. Please remove these claim rejections based on D1 combined with D2.

Furthermore, the Examiner states in section 3 of the current office action that D2 teaches "modifying the ratio of the first ingredient with respect to the second ingredient in the coating formulation as the coating formulation is being applied to the stent," and points to column 2, line 47-66 of D2 to support that statement. Applicant has reviewed

this section of the specification, as well as the remainder of the specification, and cannot find such a teaching. In fact, D2 teaches "a transition layer in between having a thickness of . . . comprising a mixture with a composition changing gradually from the first nanocomposition (DLN) to the DLC." Indeed, D2 teaches a gradient level that contains a composition change, but D2 does not teach a gradually changing composition in a coating formulation. Moreover, D2 neglects to teach how the gradually changing composition is created or, for that matter, what is meant by a gradually changing composition. Therefore, it is impossible to imply that a gradually changing composition in the diamond-silicate tie layer of D2 would comprise the same structure as applicant's process limitations dictate.

For this separate reason, please remove the rejection of these claims based on D1 combined with D2.

The Examiner has rejected claims 1-8, 20, 21, 22, 29, 30, 31, 33, and 34 under 35 USC §103(a) as being unpatentable over Tuch, U. S. Patent No. 5,624,411, D3, in view of D2.

This combination of references has the same frailties as is demonstrated by the combination of D1 and D2 discussed above.

The Examiner has combined D3 and D2. Applicant specifically traverses the combination because one of ordinary skill in the art at the time of the instant invention would not have a reasonable expectation of success in combining these two references. D3 is directed at conventional polymer deposition methodology. Conversely, D2 is directed at plasma deposition of diamond-silica structures. Also, D2 fails to teach the details of its plasma deposition. One of ordinary skill in the art, presented with D3, could not reasonably expect successful incorporation of the methodology practiced by D2 especially in view of no teaching in D2 of how one would vary the composition of the tie layer disclosed in column 2, line 47-66. There is nothing contained in D3 or D2 that would allow one of ordinary skill in the art to reasonably conclude that the plasma deposition of D2 could be successfully used in D3. Indeed, the Examiner has not pointed to any art knowledge that would show this to be the case. Therefore, prima facie

obviousness has not been made out. Please remove these claim rejections based on D3 combined with D2.

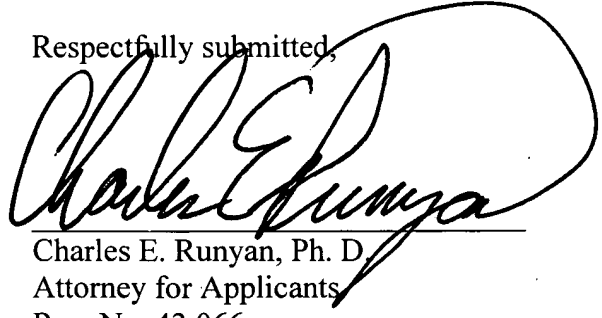
Furthermore, the Examiner states in section 3 of the current office action that D2 teaches "modifying the ratio of the first ingredient with respect to the second ingredient in the coating formulation as the coating formulation is being applied to the stent," and points to column 2, line 47-66 of D2 to support that statement. Applicant has reviewed this section of the specification, as well as the remainder of the specification, and cannot find such a teaching. In fact, D2 teaches "a transition layer in between having a thickness of . . . comprising a mixture with a composition changing gradually from the first nanocomposition (DLN) to the DLC." Indeed, D2 teaches a gradient level that contains a composition change, but D2 does not teach a gradually changing composition in a coating formulation. Moreover, D2 neglects to teach how the gradually changing composition is created or, for that matter, what is meant by a gradually changing composition. Therefore, it is impossible to imply that a gradually changing composition in the diamond-silicate tie layer of D2 would comprise the same structure as applicant's process limitations dictate.

Since all claims are in a condition for allowance, please issue a Notice of Allowability so stating. If I can be of any help, please contact me.

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Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza
Suite 300
San Francisco, CA 94111
Facsimile (415) 393-9887
Telephone (415) 954-0235
crunyan@ssd.com

Respectfully submitted,



Charles E. Runyan, Ph. D.
Attorney for Applicants
Reg. No. 43,066

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